THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 14th day of July, 2006

W.P.No.12517 of 1999

Between:

M/s. Maheswari Parameswari
Waddera Labour Contract Cooperative
Society Ltd., Narketpally,
Nalgonda District, rep. by its
President G. Sathaiah … Petitioner

and

Engineer-in-Chief (Admn.Wing)
Irrigation & CADD, Erramanzil,
Hyderabad. … Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondent in cancelling registration of the petitioner's society and debarring it from tendering in all categories of tenders with the respondent as arbitrary, illegal and violative of Article 19(1)(g) of the Constitution of India.

The petitioner is Vaddera Labour Contract Cooperative Society Limited, Narketpally of Nalgonda District. It seems, it was registered as Class-I Contractor as per G.O.Ms.No.521, Irrigation Department, dated 10-12-1984 vide Proceedings dated 19-5-1997 of the respondent. It had executed number of works without any complaints. While so, to its utter surprise, impugned letter dated 16-11-1998 was received by it, wherein it is stated that the registration of the petitioner with the respondent as a Contractor was cancelled and the petitioner is debarred from participating in any of the contracts with the respondents.

A detailed counter affidavit is filed denying the allegations made by the petitioner and asserting that on the basis of some report of the Chief Engineer (R&B), the impugned letter was issued.

Heard both sides.

There is no necessity of going into all the details. A bare reading of the impugned letter does not reveal as to whether the petitioner was put on notice or he was heard or any show cause notice

has been issued and any explanation is sought and also what exactly are the reasons for cancelling the registration of the petitioner with the respondent. The impugned letter simply says that the registration was cancelled as per the terms and conditions laid down in G.O.Ms.No.521, Irrigation (P.W.) Department, dated 10-12-1984 and also as per the conditions in the Proceedings dated 19-5-1997 of the respondent. Neither the proceedings of the Chief Engineer (R&B), NABARD were communicated to the petitioner nor what exactly the terms and conditions laid down in G.O.Ms.No.521, dated 10-12-1984 were violated was brought to the notice of the petitioner.

In view of the above, I am of the considered opinion that the impugned letter is passed in gross violation of principles of natural justice and the same is liable to be set aside and is accordingly set aside. The Writ Petition is, therefore, allowed. No order as to costs.

14-7-2006

prk